

1 IN THE UNITED STATES DISTRICT COURT

2 FOR THE DISTRICT OF OREGON

3 UNITED STATES OF AMERICA,)

4 Plaintiff,)

5 v.)

6 PETER T. SANTILLI,)

7 Defendant.)

No. 3:16-cr-00051-BR-8

March 7, 2016

Portland, Oregon

15 **Detention Hearing**

16 TRANSCRIPT OF PROCEEDINGS

17 BEFORE THE HONORABLE STACIE F. BECKERMAN

18 UNITED STATES DISTRICT COURT MAGISTRATE JUDGE

25

APPEARANCES

FOR THE PLAINTIFF: Mr. Ethan Knight
United States Attorney's Office
District of Oregon
1000 S.W. Third Avenue, Suite 600
Portland, OR 97204

Mr. Steven W. Myhre
United States Attorney's Office
District of Nevada
333 Las Vegas Blvd. South, Suite 5000
Las Vegas, NV 89101

FOR THE DEFENDANT: Mr. Thomas K. Coan
Attorney at Law
1001 S.W. Fifth Avenue, Suite 1400
Portland, OR 97204

COURT REPORTER: Bonita J. Shumway, CSR, RMR, CRR
United States District Courthouse
1000 S.W. Third Ave., Room 301
Portland, OR 97204
(503) 326-8188

(P R O C E E D I N G S)

MR. KNIGHT: Good afternoon, Your Honor. The first matter on today's docket is United States v. Peter Santilli. We're appearing today on Magistrate's Case No. 16-mj-00024. Ethan Knight and Steve Myhre from the District of Nevada appearing today, Your Honor. And we're present today, Your Honor, for a detention hearing in Mr. Santilli's matter from the District of Nevada, having been set over by this Court last week under Rule 5 of the Federal Rules of Criminal Procedure.

Your Honor, the government is prepared to proceed today with Mr. Myhre handling the argument. I understand that Mr. Coan is going to seek a setover in today's matter due to the fact the government filed on Friday a detention memo. Mr. Coan is appearing now with Mr. Santilli, who is present and in custody.

THE COURT: What's your position on the setover, Mr. Knight?

MR. KNIGHT: It would be the government's preference, given the fact Mr. Myhre has traveled here today, to go ahead today. If the Court is inclined to set it over, we will be prepared to go at that time as well.

THE COURT: Thank you, Mr. Knight.

I'll hear from Mr. Coan.

MR. COAN: Good afternoon, Your Honor. Tom Coan for Mr. Santilli. I was out of town until Saturday night at a

1 conference in California, and I came back to find a 59-page
2 detention memo filed. I did get over to the jail yesterday to
3 visit with Mr. Santilli. We have only gone through half of it.
4 So he hasn't even been able to review with me the full
5 detention memo yet.

6 So I would ask for additional time. I could be ready
7 by Friday on this. I have noticed from looking at the screen
8 that the government also intends to offer a number of video
9 exhibits, and I can tell from past experience in this case that
10 many times these video snippets are taken without the full
11 context of the matter.

12 So what I would like to do is ask the Court for an
13 extension or a continuance until Friday, and ask the government
14 to provide the defense with these video exhibits so that we can
15 have an opportunity to look at them in a wider context.

16 THE COURT: Okay. Thank you.

17 Mr. Knight and Mr. Myhre -- Well, first, I assume,
18 Mr. Myhre, that you had not intended to stay in Portland for
19 the entire week?

20 MR. MYHRE: That's correct, Your Honor. But we can
21 be available on Friday if the Court sets it -- sets the matter
22 for that time. We will have someone here. We would prefer,
23 Your Honor, if the Court is going to continue the matter, that
24 we present at the same time rather than have it bifurcated in
25 some way.

1 With respect to the video clips that the defense
2 attorney has alluded to, we intend to show -- or excuse me, we
3 intend to play one audio clip and one video clip, and we can
4 certainly provide counsel with a copy of those before Friday.

5 THE COURT: Okay. I appreciate that. Thanks for
6 doing that voluntarily.

7 Let me ask you, Mr. Myhre.

8 (Speaker feedback.)

9 THE CLERK: Sorry, Judge.

10 THE COURT: I always make it a point --

11 (Speaker feedback.)

12 THE COURT: They've been working on our equipment,
13 obviously. I'll try to speak loudly, but not too loudly.

14 Mr. Myhre, I make it a point to advise defendants who
15 appear pursuant to Rule 5 that they obviously have a right to
16 be heard in the district of arrest on whether they should be
17 released pending their appearance in the charging district or
18 whether they should be detained, but I usually advise them that
19 I can't predict what the charging district is going to do with
20 regards to whether they are entitled to another detention
21 hearing once they appear in the charging district.

22 So as long as we have you here today, do you
23 anticipate that regardless of what happens here today or this
24 week in the District of Oregon, is Mr. Santilli going to be
25 entitled to another detention hearing in the District of Nevada

1 at the time of his initial appearance before the District of
2 Nevada magistrate judge?

3 MR. MYHRE: I can represent to the Court, Your Honor,
4 that it's been the practice in the District of Nevada that the
5 defendant who is transferred to the district will get another
6 detention hearing before either the magistrate judge before
7 whom he would appear or at the district court level.

8 THE COURT: Okay. Thank you. I just wanted to make
9 sure, in an effort to protect Mr. Santilli's rights, that he
10 wasn't under the impression that he would get the two detention
11 hearings and had to choose between one or the other. But
12 sounds like we will go forward here with the detention hearing
13 on Friday, March 11th, at 1:30 p.m. before the duty magistrate
14 judge. That decision obviously can -- either side can appeal
15 that to the assigned judge in the District of Nevada, and once
16 he makes his appearance in the District of Nevada, he may be
17 entitled to another detention hearing at that time. Is that
18 your understanding?

19 MR. MYHRE: That's my understanding, yes, Your Honor.

20 THE COURT: Okay. Thank you.

21 With that -- Mr. Coan?

22 MR. COAN: Oh, no.

23 THE COURT: I will continue Mr. Santilli's detention
24 in the District of Nevada case until we have a detention
25 hearing on Friday, March 11th, at 1:30 p.m. before the duty

1 magistrate judge.

2 Mr. Coan, anything further at this time?

3 MR. COAN: No, Your Honor.

4 THE COURT: Mr. Myhre and Mr. Knight, anything
5 further at this time?

6 MR. MYHRE: Nothing from the government, Your Honor.

7 THE COURT: Thank you.

8 (Proceedings concluded.)

9

10

11

12

13

14

15

16

17

18

19

20

21

22

23

24

25

--o0o--

I certify, by signing below, that the foregoing is a correct transcript of the record of proceedings in the above-entitled cause. A transcript without an original signature or conformed signature is not certified.

/s/Bonita J. Shumway

January 28, 2018

BONITA J. SHUMWAY, CSR, RMR, CRR
Official Court Reporter

DATE